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11 **IN THE UNITED STATES DISTRICT COURT**
12 **FOR THE DISTRICT OF ARIZONA**
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16 State of Arizona, *ex rel.* Kristin K. Mayes,
Attorney General; et al.,

17 Plaintiffs,

18 v.

19 Michael D. Lansky, L.L.C., dba Avid
20 Telecom; et al.,

21 Defendants.
22
23

NO. 4:23-cv-00233-TUC-CKJ

**EXPEDITED JOINT MOTION
FOR EXTENSION OF CASE
MANAGEMENT DEADLINES**

24 Plaintiffs and Defendants Michael D. Lansky, L.L.C., dba Avid Telecom, Michael
25 D. Lansky, and Stacey S. Reeves (collectively “Defendants”) (the “Parties”), through
26 undersigned counsel, hereby jointly move the Court to extend each pending case
27 management deadline in this litigation by 90 days. The Parties respectfully request
28 expedited consideration of this motion (the “Joint Motion”). In support of the Joint Motion,
the Parties state as follows:

1 1. Plaintiffs filed their Complaint in this matter on May 23, 2023. (Dkt. No. 1)

2 2. Defendants filed their Motion to Dismiss Plaintiffs' Complaint on
3 October 16, 2023. (Dkt. No. 39)

4 3. The Court denied Defendants' Motion to Dismiss on May 8, 2024.
5 (Dkt. No. 64)

6 4. On December 10, 2024, the Court issued the Case Management Schedule,
7 (Dkt. No. 102), setting an initial deadline for the Parties to complete all discovery,
8 including depositions of parties and witnesses, by November 3, 2025.

9 5. Following the Parties' unsuccessful attempts to resolve discovery disputes,
10 the Court set a schedule for the Parties to brief the disputes. (Dkt. 126)

11 6. On August 27, 2025, the Parties submitted Opening Briefs on Discovery
12 Disputes. (Dkt. Nos. 134, 138)

13 7. After considering the Parties' Opening Briefs on Discovery Disputes (Dkt.
14 No. 134, 138), the Responsive Briefs (Dkt. Nos. 145 and 148) and Reply Briefs (Dkt. Nos.
15 153 and 155), on September 25, 2025, the Court entered an Order referring the matter to
16 the Honorable Michael A. Ambri to consider the pending discovery disputes and "any
17 future discovery disputes, and any other discovery-related matters that may arise in this
18 matter[.]" (Dkt. No. 159)

19 8. On September 29, 2025, two days before Defendants' Initial Expert
20 Testimony was due, Defendants submitted a Motion for Extension of Time requesting
21 thirty additional days to submit their Notice of Initial Expert Testimony. (Dkt. No. 161)

22 9. One day later—which was the day before the federal shutdown began and
23 before the time for Plaintiffs to file a response had passed—the Court granted Defendants'
24 Motion for Extension of Time. (Dkt. No. 162)

25 10. The Court's Order granted the motion and set the following discovery
26 deadlines:

27 a. "Notice of Defendants' initial expert testimony pursuant to Federal
28 Rule 26(a)(2) shall take place on or before October 29, 2025. Notice of

1 rebuttal expert testimony shall be completed on or before November 17,
2 2025.

3 b. All discovery, including depositions of parties and witnesses, shall be
4 completed by December 8, 2025.

5 c. Dispositive motions shall be filed on or before January 12, 2026.

6 d. The Joint Proposed Pretrial Order (Pretrial Statement) shall be filed
7 within thirty (30) days after resolution of dispositive motions filed after the
8 end of discovery. If no such motions are filed, a Joint Proposed Pretrial Order
9 will be due on or before January 30, 2026.” (Dkt. No. 162)

10 11. On October 24, 2025, the Honorable Michael A. Ambri entered Orders, (Dkt.
11 Nos. 169 and 170), directing the Parties as follows:

12 a. The Parties shall provide discovery in accordance with his Orders, to
13 the extent that they have not already done so, by Friday, November 28, 2025.

14 b. The Parties’ counsel shall confer on or before December 12, 2025,
15 regarding any remaining discovery issues following the responses to his
16 Orders and attempt to resolve any such issues.

17 c. Setting a telephonic status conference for December 19, 2025.

18 12. As of the time of this filing, the discovery disputes are ongoing and remain
19 unresolved.

20 13. Further, as a result of these ongoing disputes, the Parties have not had an
21 opportunity to benefit from the collection or review of all discovery requested and,
22 consequently, have not had an opportunity to prepare for, or schedule, any depositions of
23 the Parties, experts, or witnesses in this matter.

24 14. Further, through Saturday, November 8, 2025—which is 30 days before the
25 close of discovery on Monday, December 8, 2025—the Parties have propounded further
26 discovery requests on each other and on third parties.

27 15. In order to allow for the oversight and intervention of the ongoing discovery
28 disputes with the guidance of Judge Ambri scheduled for later this year, and to be permitted

1 the time necessary to prepare for depositions in this matter, the Parties request a 90-day
2 extension of the current Case Management Schedule only for the limited purpose of
3 allowing (a) the resolution of the ongoing discovery disputes and (b) the Parties to prepare
4 for, schedule, and conduct depositions of the Parties, experts, and witnesses in this matter.
5 The Parties agree that, other than notices of deposition, no new Party discovery will be
6 served without leave from the Court.

7 16. If the Joint Motion is granted, the Parties propose the following revisions to
8 the Case Management Schedule:

9 a. The completion of any outstanding discovery requests, the resolution
10 of all remaining discovery disputes, and all depositions of the Parties,
11 experts, and witnesses shall be completed by Monday, March 9, 2026.

12 b. Dispositive motions shall be filed on or before Monday, April 13,
13 2026.

14 c. The Joint Proposed Pretrial Order (Pretrial Statement) shall be filed
15 within thirty (30) days after resolution of dispositive motions filed after the
16 end of discovery. If no such motions are filed, a Joint Proposed Pretrial Order
17 will be due on or before Friday, May 1, 2026.

18 17. The Parties believe good cause exists for granting the Parties' Joint Motion.

19 18. The instant Motion is not made for the purpose of undue delay and has been
20 submitted before the expiration of the current deadlines.

21 19. Furthermore, because no trial date has been set in the case, the requested
22 extension will not result in prejudice to any party or improperly delay the litigation.

23 20. The Parties are available to discuss this matter with the Court at its
24 convenience.

25
26 WHEREFORE, for the foregoing reasons, the Parties respectfully request expedited
27 consideration of the instant Joint Motion and an order granting a 90-day extension to all
28 pending case management deadlines in this case.

1 RESPECTFULLY SUBMITTED this 13th day of November, 2025.

2
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